



## Sri Lanka

### Country Reports on Human Rights Practices - [2001](#)

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Sri Lanka is a democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Violence, including at least 50 deaths, and irregularities marred the December Parliamentary elections in which the United National Front, a coalition of parties led by the United National Party (UNP), won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the Liberation Tigers of Tamil Eelam (LTTE), the Government prohibited more than 40,000 Tamil voters from crossing army checkpoints from LTTE-controlled territories to vote. Chandrika Kumaratunga, head of the governing People's Alliance (PA) coalition, won reelection in 1999 for a second 5-year presidential term in a process marked by voting irregularities and at least six election-related deaths. The President suspended Parliament from July to September after the PA coalition lost its majority. The suspension was lifted after the PA coalition temporarily re-established control through an accord with a small leftist party. However, on October 10, after the coalition suffered more defections, the President dissolved Parliament and called for new elections in December. The Government generally respects constitutional provisions for an independent judiciary.

For the past 18 years, the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate ethnic Tamil state in the north and east of the country. The conflict has claimed more than 64,000 lives. In 1999, government forces took LTTE-controlled areas north and west of Vavuniya, but counterattacks starting in November 1999 erased most government gains. In 2000 the LTTE began a buildup on the Jaffna peninsula, and captured the important Elephant Pass military base. The clashes left large numbers of civilians dead or injured and displaced more than 150,000 persons. In April, government troops launched a major offensive on the Jaffna Peninsula that resulted in heavy casualties for its forces. In July, the LTTE attacked Colombo's main airbase and international airport, destroying numerous aircraft and placing civilians at the airport at serious risk. At year's end the Government and the LTTE had each announced unilateral cease-fires.

The Ministry of Defense controls all security forces (armed forces and police). The 60,000-member police force is responsible for internal security in most areas of the country, and has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500 member air force bear principal responsibility for conducting operations against LTTE terrorists. The police paramilitary Special Task Force (STF) also battled the LTTE. The more than 20,000 member Home Guards, an armed force drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and appears to direct various anti-LTTE Tamil militias, although at times these groups seemed to act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The gross domestic product (GDP) per capita is approximately \$850 (79,617 rupees). The population is approximately 18.5 million. Real GDP growth was 6.0 percent in 2000. Growth during the year is forecast at about 1 percent. This decline is attributed mainly to the worldwide economic downturn, the July LTTE attack on Colombo's international airport, and prolonged power outages throughout the country from July onward.

The Government generally respected the human rights of its citizens in areas not directly affected by the conflict, but there are serious problems in some areas, and the ongoing war with the LTTE continued to lead to serious human rights abuses by both sides. Security forces committed numerous extrajudicial killings during

the year. Disappearances also remain a problem. The military and police reportedly tortured detainees. There was at least one report of a death in custody. Security forces have raped women while they were in custody. Security forces were accused in five such cases during the year. The military took some measures to limit civilian casualties during operations, although more than 100 civilians have died during the year, with hundreds more injured, as a result of military-LTTE clashes. Several civilian deaths have occurred due to an air campaign by the air force against LTTE targets.

Torture remained a problem and prison conditions remained poor. Arbitrary arrests (including short-term mass arrests and detentions) continued, often accompanied by failure of the security forces to comply with legal protections. In most cases, there was no investigation or prosecution, giving the appearance of impunity for those responsible for human rights violations.

The Government infringed on citizens' privacy rights, but restrictions on the freedom of the press were eased somewhat. In July, the Government stopped censoring reporting on military and security operations. In previous years, the Government had stringent censorship regulations and on occasion security forces harassed journalists and shut down newspapers critical of the government. There were no reports of such harassment during the year. The LTTE prohibits access to uncleared areas of the country, in effect censoring all reporting coming from LTTE controlled areas. Serious restrictions remained on freedom of movement, especially from Vavuniya to Colombo and the southern part of the country generally. The Government impinged upon citizens' right to change their government by dissolving Parliament after losing its majority.

Violence and discrimination against women, child prostitution, child labor, and discrimination against persons with disabilities continued to be problems. Trafficking in women and children for the purpose of forced labor occurs, and trafficking of women and children for the commercial sex industry is a problem. There is evidence of a continued international interest in the country's children for the sex trade. There is some discrimination and occasional violence against religious minorities, and institutionalized ethnic discrimination against Tamils remains a problem.

In the past few years, the Government has taken some steps to address human rights concerns. In 2000 the Government named a new chairman and five new commissioners for the National Human Rights Commission (HRC). The Committee to Inquire into Undue Arrest and Harassment (CIUAH) continued to assist those alleging abuse at the hands of the military and police. In late 2000, the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses referred by the Supreme Court, U.N. organs, or international human rights organizations. At the same time, the Government established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General. The investigation into the mass graves in Chemmani, begun in 2000, continues.

There are two former Tamil terrorist organizations aligned with the former PA Government. These Tamil militants, who are armed and at times appear to be directed by the security forces, have been implicated in cases involving extrajudicial killing, torture, detention, and extortion during the year.

In July, the LTTE attacked the airport north of Colombo. The LTTE continued to commit numerous serious human rights abuses in the ongoing war with the Government. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefield, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. The LTTE did not release military personnel in its custody during the year. The LTTE continued to control large sections of the north and east of the country. The LTTE denied those under its control the right to change their government, infringed on privacy rights, did not provide for fair trials, restricted freedom of movement, used child soldiers, and severely discriminated against ethnic and religious minorities.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed extrajudicial killings, including the killing of civilians in connection with the conflict with the LTTE. On July 19, government security forces killed two persons during an opposition party sponsored rally which the Government claimed was illegal (see Section 2.b.). On January 28, naval personnel arrested Kanapathypillai Udayakumar. The following day his body was returned to his family. The report on his killing

states that he was strangled to death. The naval personnel accused in connection with his killing are in custody awaiting trial. On September 20, Sivagnanam Manohari, living near Batticaloa, apparently was shot and killed by air force personnel while fishing. Her nephew, who was with her at the time, was injured seriously. No arrests have been made to date, but the incident is still under investigation.

Impunity remains a problem. Since April 1995, several hundred persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the 4 convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. At year's end, the government of Sri Lanka was investigating 597 Security Force personnel for possible human rights violations.

In December 2000, nine Tamil civilians were reported missing in Mirusuvil after being arrested by the army (SLA). One person escaped, and reported the incident to police and the local magistrate. The magistrate took the person to the site where he and the other eight had been detained and tortured. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight of them. The soldiers identified the place of burial and the bodies were exhumed. Nine soldiers later were arrested for the torture and killings. The army commander is monitoring the matter and has ordered a separate inquiry into the incident; the soldiers were administratively punished by having their salaries withheld by the SLA (see Sections 1.b. and 1.c.). The case was transferred to the Anuradhapura Magistrate's Court for adjudication in November; it had not come to trial by year's end.

In November 2000, four mutilated bodies were found in Nilaveli. The killings widely were believed to have been carried out by naval infantry personnel. The following day Tamil civilians protested against the deaths claiming that the naval personnel involved attempted to coerce statements from relatives of the deceased that the dead were members of the LTTE. Later, the bodies of the two primary organizers of the demonstration were found. The military investigated the incident. The commander of the local navy base and other key military personnel were transferred in June, but no one has been charged in connection with the killings.

In October 2000, while police allegedly looked on, 27 young Tamil males held at the Bindunuwewa rehabilitation camp for former child soldiers, were hacked and clubbed to death by local villagers; 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. Violence after the killings continued for almost 1 week before police were able to restore order. During that time, at least 14 other persons died. The HRC stated that the police were guilty of "grave dereliction of duty," and it did not believe that the mobs could have overpowered the police present. The President initiated a hearing into the matter, which met regularly throughout the year. Three of the survivors were able to testify at the Presidential Hearing. Some human rights organizations complained that the magistrate in charge of the hearing limited any questions critical of the Government. Many witnesses at the hearing criticized police actions at the scene and during the initial investigations. All suspects in the case have been released on bail.

In April 2000, gunmen in police uniforms killed the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali. There have been no arrests in connection with this killing.

In 2000 the government ordered payment of compensation to victims of a 1999 air force bombing that killed 22 civilians at Puthukkudiyiruppu.

In some cases, extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam, near Trincomalee, in February 1998, police and home guards allegedly killed eight Tamil civilians, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested police officers and home guards, charging 4 with murder and 17 with unlawful assembly. The case remained active during the year, but there were no convictions.

Crucial safeguards built into the Emergency Regulations (ER) and the legislation establishing the HRC often were ignored by the security forces-especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished for this during the year.

Although the courts in 2000 ordered five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a young Tamil girl, the case remained pending at year's end. Various witnesses continued to testify at hearings

held during the year. Court hearings are scheduled to continue in 2002.

At his sentencing for the 1998 rape and murder of Krishanthi Kumaraswamy, a Tamil schoolgirl, former Lance Corporal Somaratne Rajapakse claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. The other five defendants convicted in the Kumaraswamy killing later also claimed knowledge of mass graves in the Chemmani area, where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. Exhumations in 1999 in the presence of international observers and forensic experts yielded 15 skeletons. Two of the victims provisionally were identified as young men who had disappeared in 1996. In late 1999, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including a skeleton that was bound and blindfolded, showed signs of physical assault that led to their deaths. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault leading to death could not be ruled out in these cases. By year's end, 13 of the bodies had not been identified. Rajapakse and others named a total of 20 security personnel, including former policemen, as responsible for the killings. The remaining unidentified bodies were undergoing DNA testing for identification purposes at year's end. At year's end, the case still was pending, but continued disturbances on the Jaffna Peninsula have displaced key witnesses and delayed proceedings. All suspects in the case have been released on bail.

The case against eight soldiers and one reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder. The case still was pending at year's end. The case of 22 STF members arrested on suspicion of killing 23 Tamil youths at Bolgoda Lake in 1995 went to trial in June 2000. Because key witnesses did not appear, the prosecution asked for the case to be rescheduled to October 2000 when another hearing was held. The next hearing was scheduled for March, but was rescheduled once again. The hearing is scheduled to take place in 2002.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994, it began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The High Court held another hearing in the summer of 2000 before scheduling the case for a jury trial beginning in January 2002. Many witnesses for the case live in refugee camps, and they cannot come to court to give evidence; observers believe that the case likely will be protracted.

In January 2000, assailants shot and killed pro-LTTE Tamil politician Kumar Ponnambalam. Police detained four persons, two of whom alleged that a local businessman had hired them to commit the murder. The investigation continued at year's end.

Former terrorist Tamil militant groups armed by and aligned with the former PA Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north.

The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups remained inadequate, and complaints about them continued, especially in Batticaloa and in transit camps for internally displaced person (IDP's) in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Persons killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. Unknown assailants killed Jaffna media correspondent Mayilvaganam Nimalarajan in October 2000. Nimalarajan's outspoken criticism of paramilitary groups in Jaffna led many to believe that one of these groups killed him. No one has been prosecuted for his death. In 1999 the Government forbade these groups from carrying arms and from stockpiling weapons, but these prohibitions have generally not been effective.

The LTTE continued to commit extrajudicial killings. Due to the inaccessibility of LTTE controlled areas and the LTTE's prevention of investigations by outside agencies, the exact number and type of killings in LTTE-controlled areas is unknown. Attacks by the LTTE continued to kill civilians outside of LTTE-controlled areas. For example, a civilian bus on the way to Trincomalee was bombed by the LTTE in August, and a trishaw was bombed outside of Jaffna in September (see Section 1.g.).

Attacks and counter-attacks between Government forces and the LTTE occurred almost daily, although there

was a significant reduction in the number of civilians killed by suicide attacks. There were two suicide bombing attacks attributed to the LTTE during the year, on September 15 and October 29, in addition to the July attack on the airport north of Colombo (see Section 1.g.). There were reports that the LTTE continued to commit extrajudicial killings, including lamppost killings. Due to inaccessibility of LTTE controlled areas and its forestalling investigations by outside agencies, the number and type of extrajudicial killings are unknown. At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed in 1999 by the LTTE in public executions; their bodies were tied to lampposts or otherwise left for public display. The LTTE has bombed civilian targets, killing and injuring civilians, and engaged in hostage taking and hijackings. The LTTE reportedly sometimes kills its own injured troops to avoid their capture (see Section 1.g.).

There was no further progress in the investigation into the murder of Ramesh Nadarajah, a Tamil Member of Parliament who was killed in November 1999. Nadarajah was a member of the Eelam People's Democratic Party (EPDP) and an editor of a weekly Tamil-language newspaper.

During the year, no arrests were made in connection with a grenade explosion in November 1999 that killed a person and injured 35 others at a political rally held by the United National Party (UNP).

In March 1999, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were approximately 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

#### b. Disappearance

Disappearances at the hands of the security forces continued in the north and east. There were also reports of disappearance in Colombo and Jaffna. The army, navy, police, and paramilitary groups were involved in as many as 10 disappearances, primarily in Vavuniya. Between January and September, the Human Rights Commission received 44 reports of disappearances in Vavuniya alone. These cases have not yet been confirmed. In December 2000, eight Tamil civilians were reported missing in Mirusuvil after being arrested and tortured by the SLA. Two SLA soldiers were identified as perpetrators and admitted to killing eight of the civilians. The bodies were exhumed. One SLA commissioned officer and six additional SLA soldiers were arrested later. At year's end, the army commander ordered an inquiry into the incident; the soldiers were administratively punished by having their salaries withheld by the SLA (see Sections 1.a. and 1.c.). In November the case was transferred to the Anuradhapura Magistrate's Court for adjudication. It had not come to trial at year's end. In February 2000, a fisherman seen arrested by naval personnel near Trincomalee disappeared. At year's end, the case still was pending. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to lack of reliable news about security force operations and infrequent access to the north and east. Those who disappeared during the year and in previous years are presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances lists the country as having an extremely large number of "nonclarified" disappearances. The Commander of the Army and the Inspector General of Police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless there have been very few prosecutions of security force personnel to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988 to 1994, most during the 1988-89 period of the Janantha Vimukthi Peramuna (People's Liberation Front-JVP) uprising. The commissions found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements--in particular the leftist JVP--were determined to be responsible for the disappearances. After the reports were presented to the President in 1997, the police created a Disappearances Investigations Unit (DIU) in 1998 to examine 1,681 cases in which the commissions had evidence against specific individuals.

In 1999, the Attorney General created a Missing Persons Commissions Unit to consider institution of criminal proceedings based on results of DIU investigations. In 2000, the Attorney General's office opened over 1,175 files and referred 262 indictments to the high courts and 86 complaints to magistrates involving 583 members of the security forces on abduction and murder charges. Hearings and trials in at least 250 of these cases had begun by late 2000. Of these, the Attorney General's office successfully prosecuted 4 cases by year's end. The Attorney General's office continued to prosecute other cases, as evidence became available.

In 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial three commissions had been unable to investigate before their mandates expired. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga Government took office in 1994. The commission is charged with investigating and reporting on possible human rights cases in order to forward the appropriate

cases, with recommendations, to the Attorney General's office for further investigation and prosecution. The commission submitted an interim report to President Kumaratunga in December 1999 and a final report in August 2000; however, by year's end, the report still had not been made public.

During the year, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators.

In 1999 the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999, cited the Prevention of Terrorism Act (PTA) and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The Working Group criticized the country's slow progress in resolving disappearances and noted the lack of implementation of its recommendations from visits in 1991 and 1992, including the creation of a central register of detainees. The report encouraged the establishment of an independent body to investigate disappearances that occurred after the Kumaratunga Government took office in 1994. In November the Government, in response to continuing and widespread criticism of unreported arrests, standardized and simplified regulations under the existing law and established a registry for all those arrested under the PTA or ER. However, human rights organizations and families of detainees continued to complain that arrests were being made without proper procedures.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years, although there were no reports during the year. These militias detained persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believed that the PLOTE was a major offender in the case of disappearances. The HRC has no mandate or authority to enforce respect for human rights among these militia groups, and when the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. The office director left the country in 1999. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government took no clear steps to stop these militias' actions, although tighter restrictions on these groups' right to bear arms were implemented following a May 1999 shootout between PLOTE and Tamil Eelam Liberation Organization (TELO) supporters near a popular shopping center in downtown Colombo. Despite the restrictions on weapons, the TELO and PLOTE had a shootout in Vavuniya in August.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE has denied taking any prisoners from its battles, at year's end it was known to be holding 11 civilian crew members of vessels that it had hijacked since 1995, along with 11 security force personnel. No prisoners were released during the year.

#### c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons, particularly Tamils suspected of supporting the LTTE. Suspected criminals also apparently were tortured.

The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a 1999 Amnesty International (AI) report, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances but allowed under others. Consequently, torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, admissible in court. The U.N. Working Group on Enforced or Involuntary Disappearances and other human rights organizations cited the PTA as a major factor contributing to torture of prisoners.

Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney General's Office and the Criminal Investigation Unit have established units to focus on torture complaints; the units have forwarded 14 cases for indictments during the year. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. In addition, the Government also ceased paying fines incurred by security force personnel found guilty of torture. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's Office, members of the security forces and police have been prosecuted under criminal statutes, but none of the cases has come to conclusion. Impunity remains a problem. In the vast majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible and brought them to justice.

Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims must remain in unnatural positions for extended periods, or they have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were reports of rape in detention during the year. Medical examination of persons arrested through 2000 and this year continued to reveal multiple cases of torture. In December 2000, the bodies of eight Tamils tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. Nine soldiers were arrested, and by year's end, an inquiry continued (see Sections 1.a. and 1.b.). The military also is conducting its own inquiry; the personnel involved have been discharged.

During the year Thivyan Krishnasamy, a student leader and an outspoken critic of the actions of the Sri Lankan security forces in Jaffna, claimed that he was tortured while in custody. Human rights observers claim that he was arrested because of his political activism, but the police state that he is connected to the LTTE. He was arrested on July 2, and when he was brought before a court in August he complained of being tortured. Krishnasamy appeared in court on November 18, at which time his hearing was delayed until early 2002. In response to his allegations of torture the Jaffna Student Union held protests. University administrators temporarily closed the university to avoid violence.

During the year, there were a number of reports of women being raped by security forces while in detention. One such case involved two women arrested on March 19 in Mannar. The women claim that they were tortured and repeatedly raped by naval and police personnel. The women were released on bail in April, and have filed charges against their assailants. At year's end, the 14 accused were still in custody awaiting their trial date. Four other cases in which the security forces are accused of raping women in detention were still pending at year's end.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). In February the Colombo high court ordered compensation of \$625 (50,000 rupees) to a young man beaten in police custody in Vavuniya and Colombo in 1999. In August the Supreme Court ordered \$1,250 (100,000 rupees) in compensation for a Tamil man tortured in December 1999 at an army camp near Batticaloa. However, most cases take 2 years or more to move through the courts, and nongovernmental organizations (NGO's) who represent torture victims complained that the new Supreme Court Chief Justice appointed in September 1999 grants hearings in only the most egregious cases.

Impunity remains a problem. In the vast majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible and brought them to justice.

At the invitation of the Government, the United Nations Committee on Torture sent a five-person mission to Colombo in August 2000, to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. By year's end, the mission had submitted its confidential report to President Kumaratunga, but the report had not been released to the public.

Tamil militants aligned with the former PA government also engaged in torture. With the apparent knowledge of the security forces, the PLOTE in Vavuniya and the EPDP in Jaffna, were criticized for torturing their opponents, and there were reports that they continued to use torture during the year. Security forces have done little to stop this practice.

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE in previous years stated that they had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned with hot metal rods.

Prison conditions generally are poor and do not meet international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor conditions in short-term detention centers and in undeclared detention centers run by Tamil groups aligned with the former PA government (see Section 1.d.).

The Government permitted representatives from the International Committee of the Red Cross (ICRC) to visit approximately 160 places of detention. The HRC also visited over 2,000 police stations and over 500 detention facilities by year's end (see Section 1.d.).

Conditions also are poor in LTTE-run detention facilities. Some former prisoners reported being handcuffed

and shackled during much of their captivity.

The LTTE permitted the ICRC to visit detainees in the Vavuniya region approximately once every 6 weeks. Due to the release of detainees in 2000, ICRC visited fewer LTTE detention centers than in previous years (see Section 1.d.).

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to three months or longer. Under the ER (which lapsed in July) and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide from August 1998 until July, allowed pretrial detention for a maximum of four consecutive 3-month periods. The ER gave security forces broad powers to arrest and detain without charge or the right to judicial review. ER provisions published in May 2000 lengthened to 1 year the period for which authorities were able to order individuals to remain at home or otherwise have their freedom of association and movement limited. ER provisions also permitted police to hold individuals for up to 90 days to investigate suspected offenses, although the police had to present detainees to a court within 30 days to record the detention. The court was able to order a further 6 months' detention.

As required under the ER, the army generally turned over those that it arrested to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this in areas outside of the conflict. Due to censorship and infrequent access, observers could not determine the state of affairs in the north and the east.

Despite Government announcements that it would close all secret detention centers, there were continued credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Large-scale arrests of Tamils continued during the year. Many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days although some extended to several months. The number of prisoners held at any given moment under the ER and the PTA fluctuated between 1,500 and 2,000. Hundreds of Tamils charged under the PTA remained in detention without bail awaiting trial, some for more than 2 years. The high courts held hearings on just over 500 cases under the PTA or ER during the first 8 months of the year. Many such cases drag on for years. During the week following the July 24 attack on Colombo's main airbase and international airport, security forces detained hundreds of Tamils in the Colombo region for questioning. In addition, those arrested sometimes were held in prisons with convicted criminals. Although most of the Tamils who were detained were released within a matter of hours, many were held overnight, with some held for several days. Cordon and search operations occurred regularly throughout the country during the year, although on a much smaller scale. Tamils complained that they were abused verbally and held for extended periods at security checkpoints throughout Colombo (see Section 1.d.) The Government justified the detentions and arrests on security grounds, but many Tamils claimed they constituted harassment. Tamil homes were often searched arbitrarily. In January 2000, security forces detained several thousand Tamils in Colombo and the surrounding suburbs in cordon and search operations meant to find LTTE cadres after suicide bomb attacks. Although authorities eventually arrested fewer than 100 persons, many of those rounded up for questioning spent hours in detention.

In July 1998, the President established the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The committee, which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The Committee received more than 1,200 complaints by year's end. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. However, some critics claim that, following initial publicity, the committee's services have not been advertised widely. Many Tamils believe that the CIUAH does little to deter police agents from stopping them at security force checkpoints in the capital.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the



regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces. Due to the lapsing of the ER in July, the total number of persons detained in military bases at any one time has been dramatically reduced, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years.

The PLOTE reportedly continued to run places of illegal detention in Vavuniya. The EPDP also detained its own members for short periods in Jaffna as punishment for breaking party discipline.

The LTTE has in the past detained civilians, often holding them for ransom. There have been isolated but unconfirmed reports of this practice during the year, such as the reported kidnaping of a Muslim businessman in the Batticaloa area in October. Reports indicate that the LTTE demanded \$5,600 (500,000 Rupees) for his release. In September 1999, the LTTE held three businessmen for a ransom of \$550,000 (40 million Rupees). The businessmen were freed after making partial payment and promising to pay the balance. Unconfirmed reports indicated the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. In June 2000, the LTTE released 1 of its 12 declared civilian prisoners. In February 2000, the LTTE released 4 of the 15 servicemen that it held. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees during the year.

The Government does not practice forced exile and there are no legal provisions allowing its use.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the Government generally respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. However, these legal aid centers had tried no cases by the end of September. There are no jury trials in cases brought under the PTA. Confessions, obtained by various coercive means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases; most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants can spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions are made relatively quickly. Courts held hearings on approximately 500 PTA and ER cases during the year.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which due to a shortage of court-appointed interpreters has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and only one law report exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In Jaffna LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna high court suspended activities due to security concerns in 2000, it reopened during the year and was still functioning at year's end.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather

than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and are, therefore, legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees or members of the now legal JVP, detained in similar fashion in past years, are political prisoners. Between 200 and 300 of those previously detained--mostly JVP members--were convicted under criminal law; some remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also reportedly holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy, and the Government generally respects this provision in practice; however, it infringes on citizen's privacy rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted either under the now lapsed ER or the PTA. The Secretary of the Ministry of Defense is responsible for providing oversight for such searches. No judicial review or other means of redress existed for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces (see Section 1.d.). The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for LTTE-controlled areas and seize contraband. The Government censored news reports that covered military operations.

Tamil militant groups, nominally operating under government control, used forced conscription in the past, although it appears this practice abated after a 1999 order from the Government. In previous years, there were credible reports that Tamil youth (in the east in particular) were forced to join these groups under threats to themselves and their families; however, there were no reports that this practice occurred during the year.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. The LTTE expelled approximately 46,000 Muslim from their homes in the northern part of the island. The LTTE also recruits children (see Section 6.d.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year, with an estimated 2000 combatants and 100 civilians killed in conflict-related incidents. For example, in May a 10-year-old child and the mother were injured near Karawetti when the LTTE and SLA exchanged fire; in June, two civilians were killed and 16 others were injured during a 2 hour confrontation between the LTTE and the SLA at Kawatamunai. The Sri Lankan air force carried out a bombing campaign in the north and east during the year, with particular intensity from June through August. The Tamil press regularly has reported the death of civilians due to air force bombing, but there has been no confirmation of these reports.

The Government in the past often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the armed forces were more secretive during the year than in previous years, and did not give public warnings before the commencement of operations. In May 2000, 23 persons were killed and dozens were injured when a bomb exploded at a Buddhist temple in Batticaloa in the east, where crowds had gathered to celebrate the Buddhist festival of Vesak. The Government has blamed the LTTE publicly for this bombing, but no one has yet claimed responsibility. At year's end, an investigation had been conducted. After the bomb exploded, security forces reportedly opened fire, killing four children and injuring eight more. The Government maintains that the evidence and interviews of witnesses do not support the claims that security forces killed the children. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians. In September 1999, the air force dropped 3 bombs on a village near Puthukudiyiruppu in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the air force targeted an LTTE training camp, and at first they did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident. During the year, the Government held an investigation and authorized compensation for the victims' families, admitting that the site had been bombed "in error." However, the Government did not admit formally to having killed civilians.

On November 16, the Sri Lankan Army created the Directorate of Human Rights and Humanitarian Law in the Sri Lankan Army. The directorate is charged with coordinating all human rights activities for the army from ICRC training classes (see Section 4) to overseeing the Human Rights Cells that are assigned throughout the military. The SLA also states that all of its personnel have completed the appropriate training and pledged to adhere to the "rules of international Humanitarian Law." The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages.

At year's end, approximately 490,000 persons had been displaced by the conflict. Over 340,000 persons, principally in the Vanni region, remain displaced from the past several years of fighting; during 2000 the battles near Jaffna displaced an additional 150,000. The UNHCR reports a minimum of 800,000 IDP's, while the Commissioner General for Essential Services states that it provides services for over 700,000 persons.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. Food rations were delivered by the Government to the Vanni area through a checkpoint that is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE (an "uncleared area" in Government parlance) was not closed during the year.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of Paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region and Jaffna were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported capturing several LTTE terrorists on the battlefield during the year. It sent these and other cadres who surrendered or whom security forces arrested to rehabilitation centers. The ICRC continued to visit approximately 100 former LTTE members in government rehabilitation camps, although the October 2000 massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Section 1.a.).

In view of the scale of hostilities in previous years and the large number of LTTE casualties, some observers have found the number of prisoners taken under battlefield conditions to be low and have concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten "take-no-prisoners" policy generally has remained in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove injured fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly injured fighters (see Section 1.a.). There were no reports of security forces personnel executing LTTE cadres during the year, and no army or other security forces personnel were prosecuted or disciplined for allegedly executing prisoners from previous years.

The Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it has offered to treat any LTTE injured entrusted to government care. According to credible reports, injured LTTE cadres surrendering to the Government received appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Past eyewitness accounts confirm that the LTTE has executed injured soldiers on the battlefield. At year's end, the LTTE admitted to holding only 11 security forces prisoners, all captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel captured in the past few years. The LTTE in 1999 transferred 11 captured SLA members to the ICRC. In February 2000, the LTTE released four servicemen and in June 2000 released one civilian. However, there have been no reports that the LTTE released prisoners during the year.

The LTTE uses excessive force in the war. During the course of the year, the LTTE killed more than 100 civilians (see Section 1.a.). The LTTE has engaged in hostage taking, hijackings, and bombing of civilian targets.

In July the LTTE attacked Colombo's main airbase and international airport. During the attack, the LTTE

destroyed six military and four civilian aircraft. The LTTE also damaged the civilian airport.

The LTTE is regularly accused of killing civilians. For example, the LTTE was accused of killing four Sinhalese villagers at Wahalkada village in March, and killing a Tamil civilian and injuring 15 others in Trincomalee in June (see Section 1.a.).

The LTTE uses child soldiers. In August five children ranging in age from 14 to 17 years surrendered or were captured by the armed forces in whose custody they remain. Credible sources reported increased LTTE recruitment, including recruitment of children, in the final third of the year.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled areas as well as in other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported a high rate of anemia and a low birth rate, both of which indicate lower levels of nutrition. Confirmed cases of malnutrition included hundreds of children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country. Medical sources distinguish between "undernourished" children (of which there are many throughout the country) and "malnourished" children.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east. Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in April 2000 stating that it was impossible to continue as long as hostilities continued. According to the Landmine Monitor Report for 2000, both the LTTE and the military abandoned promises given in 1999 not to place new mines in areas designated for civilian resettlement. In August a civilian bus travelling to Trincomalee hit a land mine injuring 30 of its passengers. In September a vehicle carrying a family hit a mine approximately 5 kilometers north of Jaffna, killing all six passengers and the driver. Sources have confirmed that the SLA is making efforts to clear explosives from areas that it has recaptured.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information and continued to censor news relating to the military and security situation. In 1998 the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. The Government reissued its censorship order in November 1999 after the military suffered setbacks in the field. The Government officially lifted the censorship on war reporting in June. However, even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC, a radio station). There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. There also is a privately owned newspaper published in Jaffna. The Government imposes no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in June 2000; however, material for publication or broadcast within the country, regardless of author, remained subject to government approval until the repeal of censorship laws in June. Credible claims of harassment and intimidation of private media by the government continue.

Human rights observers comment that Tamils from the north or east who criticize the Sri Lankan military and Government are often harassed and sometimes arrested. They cite the case of Thiviyan Krishnasamy, a student leader in Jaffna and critic of the military in the Jaffna area. He was arrested in July (see Section 1.c).

In September 2000, police arrested a young man for criticizing the President on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. At year's end, the young man remained in prison pending

a hearing of the case.

In 2000 police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper which had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case. Similarly, authorities made no progress in the 1999 killing of Ramesh Nadarajah, a Tamil Member of Parliament and the editor of a Tamil-language weekly. Both cases remain open.

In March 1999, an army brigadier allegedly abducted and assaulted a journalist working for an independent Sinhala-language newspaper. Police arrested the brigadier, after which courts granted him bail. The case has not come to trial.

In February 1998, armed men attacked a journalist who regularly reported on defense matters, including corruption in military procurements. The Government criticized the attack; it subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former Commander of the Air Force. A formal indictment was handed down in 1999. Courts postponed the hearings several times during the past two years; the case was scheduled to continue in 2002.

The Supreme Court appeal of the editor of a leading national newspaper who was convicted of defaming the President in 1997 still is pending at year's end. Other defamation cases filed by the President against editors of major newspapers who either had criticized the Government or supported the opposition remained pending. Threats of further complaints to be filed by the Government or President continue. Journalists viewed these cases as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation. The SLTMA has filed cases on behalf of Tamil journalists, but its cases have not yet succeeded in the courts.

Travel by local and foreign journalists to conflict areas was restricted, as they were required to obtain advance permission from the Ministry of Defense to visit such areas. The Foreign Ministry also must approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced, but still are a problem. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. The Government remains the only source of most news about security and defense matters that can be disseminated to the public. The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government does not restrict access to the Internet.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE also has severely repressed members of human rights organizations, such as the University Teachers for Human Rights (UTHR), and other groups. Many former members of the UTHR have been killed.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and the Government generally respects this right in practice. Although the PTA may be used to restrict this freedom, the Government did not use the act for that purpose during the year. The ER, which lapsed in July, also restricted the right of assembly, but was not invoked during the year. On July 19, the opposition held a rally despite claims by the Government that it was illegal under the 1981 Referendum Act, which essentially states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. Security forces killed two persons when the government confronted the rally with force, prompting further demonstrations. However, the Government generally grants permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

On April 30 a violent clash between the Sinhalese and Muslim communities occurred in Mawanella. The

Muslim community protested alleged police inaction concerning the assault on a Muslim store clerk. In response, a group of Sinhalese attacked the Muslim protesters. As the conflict escalated, two Muslims were killed and scores of buildings and a few vehicles were destroyed. Police reportedly did nothing to stop the destruction of Muslim property. Minor protests by Muslims continued until May 4, when there was a large-scale protest in Colombo. The police broke up the demonstration with force and imposed a curfew on the city. The Government was investigating the Mawanella incident at year's end.

The law provides for freedom of association and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose during the year.

The LTTE does not allow freedom of association in the areas that it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other Government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

#### c. Freedom of Religion

The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but for the last 30 years, the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

Some evangelical Christians have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work. They sometimes complain that the Government tacitly condones such harassment, but there is no evidence to support this claim.

LTTE terrorists expelled virtually the entire Muslim population from their homes in the northern part of the island in 1990. Most of these persons remain displaced. In the past, the LTTE expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempted to return (see Section 2.d.).

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in Kandy in January 1998. In May 2000, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and injured dozens of others (see Section 1.a.).

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east, and frequently they are harassed at checkpoints throughout the country (see Section 1.d.). These security measures have the effect of restricting the movement of Tamils.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. Despite government pledges to ease restrictions on civilian travel to and from Jaffna, travel from Jaffna to other parts of the country remained extremely difficult due to security restrictions imposed by the security forces and the limited availability of transportation. The ICRC in September 2000 replaced its relief and supply ship with a new vessel. The ship evacuated civilians from Jaffna who needed medical treatment, but it also carried civilian passengers between Trincomalee and Jaffna on an as-needed basis. In addition, the Government hired a passenger vessel that operated between Trincomalee and Jaffna and transported medical supplies; in July 2000, the ICRC began providing escort for the ship under the ICRC flag, at the request of the Government and with the agreement of the LTTE. In September, the LTTE issued a warning to civilians not to travel on ships the Government was using to transport military personnel. Groups of military personnel sometimes use civilian

ships to reach Jaffna.

The armed forces initially prevented more than 1,000 civilians from vacating conflict areas on the Jaffna peninsula during fighting in April and May 2000; however, the military quickly decided to permit civilians to evacuate the area after intense pressure by human rights groups. Fighting between Government and the LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shift. Fighting in Jaffna between April and June 2000 displaced an estimated 150,000 more; most of whom sought shelter with friends or relatives in other areas of the peninsula. Another 340,000 displaced persons reportedly live in the Vanni. Since September 2000, 172,000 IDP's have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with a full range of government social services and food aid. By year's end, an estimated 500,000 to 800,000 IDP's, including those in the Vanni, had registered for government food aid, and were receiving medicine and other essential supplies from the Government. International NGO's were permitted access to the region.

The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Other attempts at resettlement also have proved successful. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. An additional one-time resettlement program relocated 800 families by September, with a stated goal of 1,500 families by year's end. Many of those resettled later were displaced by subsequent fighting, including those who returned to their homes north and east of Vavuniya in 1999, but were forced to flee again when the LTTE retook the area starting in November, 1999.

The LTTE has discriminated against Muslims, and in 1990 expelled some 46,000 Muslim inhabitants--virtually the entire Muslim population--from their homes in areas under LTTE control in the northern part of the island. Most of these persons remain displaced and live in or near welfare centers. Although some Muslims returned to Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There are credible reports that the LTTE has warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. In the past, the LTTE has expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempt to return. However, it appears that these attacks by the LTTE are not targeted against persons due to their religious beliefs; rather, it appears that they are part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state.

Between October 1996 and the end of 1999, over 150,000 persons moved out of LTTE-controlled regions through Vavuniya and other transit points in government controlled regions. Of these, over 100,000 reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take up to 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. The Government restricts the movement of displaced Tamils due to possible security, economic, and social concerns. During the year, persons crossed illegally from LTTE-controlled to government-controlled areas. These individuals encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. At year's end, approximately 42,000 displaced persons continued to live with relatives in substandard conditions or in camps in Vavuniya and Mannar.

Following the Government's capture of Jaffna in 1995, the LTTE began to allow persons to move more freely into government-controlled areas, although it still extracts a small fee for "travel passes" to leave the Vanni, and it rarely allows entire families to leave at once. The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the one established and legal checkpoint. In the past, the LTTE disrupted the movement of IDP's from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports this year. Humanitarian groups estimate that more than 200,000 IDP's live in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 65,000 Tamil refugees live in camps there, having left the country at various times throughout the period of the conflict. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. A small number returned from India during the year.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. The law does not include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no

reported instances of forcible repatriation of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through periodic multiparty elections based on universal adult suffrage; however, recent elections have been marred by violence and irregularities. The country is a longstanding democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the government was last exercised in December parliamentary elections in which the United National Front, a coalition of parties led by the United National Party (UNP), won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from LTTE-controlled territories from crossing army checkpoints to vote. The December and 2000 parliamentary elections were marred by voting irregularities and violence. Violence also plagued the 1999 presidential elections; several persons died and many more were injured, including the President and the Justice Minister, in an LTTE suicide bomb attack. Elections Commission officers reported misuse of postal votes in the 1999 Northwest ("Wayamba") Province elections.

The President suspended Parliament from July to September out of concern that her coalition had lost its majority in Parliament because of defections. The ruling PA coalition reestablished control through an accord with a leftist party. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations, on July 19, ended with the deaths of two marchers killed by security forces (see Section 2.b.). However, after further defections from her coalition, the President dissolved Parliament on October 10 and called for elections to take place on December 5.

On December 5 12 supporters of the Sri Lankan Muslim Congress were killed, apparently by hired thugs of a PA candidate. Despite an extremely violent campaign, including credible reports on the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections (PAFFREL) reported 755 incidents of violence and 49 deaths; The Center for Monitoring Election Violence (CMEV) reported 4,208 incidents, and 73 deaths; and the police reported 2,247 incidents, and 45 deaths during the year.

In September the Parliament passed the 17th Amendment, which established an independent Commission on Elections (among other commissions), which is to be tasked with ensuring free and fair elections; however, implementing legislation has yet to be passed.

A European Union monitoring mission, in its final report on the 2000 elections, expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate."

The Commissioner of Elections recognized 46 parties at the time of general elections in October 2000; only 13 parties actually held seats in the 225-member Parliament elected during the year. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. These two parties have alternated in power since independence.

In response to sharp criticism about the way that the 1999 vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February 1999, the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Two local election-monitoring organizations found that the 1999 presidential vote was flawed in more than 10 percent of polling stations. A group of 26 international observers invited by the Government to observe the elections stated that they saw no evidence of fraud in the 1999 presidential elections, but they admitted the possibility of irregularities and suggested ways for improving the voting system to prevent cheating.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and the percentage of women in government and politics does not correspond to their percentage of the population. In November 1994, a woman was elected President for the first time; she was reelected in December 1999 for a second term. Eleven women held seats in the Parliament that completed its term in August 2000. In addition to the Prime Minister, the Minister for Women's Affairs, and the Minister of Social Services, a number of women held posts as deputy ministers in the last parliament. Of the 5,000 candidates for the October 2000 parliamentary elections, 116 were women and 7 of them won seats in the October elections. Only one woman (Minister of Women's Affairs) was appointed to the new cabinet formed after the December 5 elections.



The Parliament elected in October 2000 has 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning in the east during the October parliamentary elections. Through a campaign of killing and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims as part of a Tamil homeland.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights NGO's, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February 1999, the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers saw this as an attempt by the Government to exert greater control over the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January 1999 (see Section 3). Few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, members of Parliament, and other officials participating in seminars and other events concerning human rights and humanitarian affairs.

The Government allowed the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). The ICRC provides international humanitarian law training materials and training to the security forces. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, despite the many restrictions on such supplies (see Section 1.g.).

In the first 6 months of the year, the HRC conducted 680 visits to police stations and over 300 visits to detention facilities. The HRC has over 4,000 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership. The HRC also has been criticized for micromanaging the activities of field offices, which are equipped poorly. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness because the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). New commissioners were appointed in March 2000, after the tenure of the previous commissioners expired. Activists have expressed some satisfaction with the new leadership, especially for its prompt investigation into the Bindunuwewu massacre.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

##### Women

Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems.

Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any actions taken by the Bureau nor on the number of crimes against women.

Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the

purpose of forced labor occurs (see Sections 6.c. and 6.f.).

During the year, there were a number of reports of security forces raping women in custody (see Section 1.c.). During the first 6 months of the year, police reported a total of 36 rape case investigations, 5 of which involve security force personnel. There have been no convictions in the cases involving security force personnel.

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

#### Children

The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attend school. Education is free through the university level. Health care, including immunization, also is free.

In the period from January 1 to June 30, 2000, the police recorded 680 cases of crimes against children, compared with 767 cases for January 1 to the end of August. Many NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducts investigations into crimes against these two groups.

There is a serious problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (see Section 6.f.). The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (see Section 6.f.). The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years as well as an unspecified fine. Four cases of pedophilia were brought to court in 2000, one involving a foreigner. There were no convictions or arrests for pedophilia during the year.

Regular employment of children also occurs in the informal sector and in family enterprises (see Section 6.d.). Government inspections have been unable to eliminate these forms of child labor, although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions by the Labor Department regarding child labor violations. However, many thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are reportedly subjected to physical, sexual and emotional abuse. Internal trafficking in male children for the purpose of prostitution is a problem (see Sections 6.d. and 6.f.).

The Government created the National Child Protection Authority (NCPA) in 1998. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is comprised of representatives from the education, medical, retired police, and legal professions; it reports directly to the President. The LTTE uses child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE has not honored this pledge.

#### Persons with Disabilities

The law does not mandate accessibility to buildings or government services for persons with disabilities. The World Health Organization estimates that 7 percent of the population is persons with disabilities. Most persons with disabilities, who are unable to work, are cared for by their families. The Department of Social Services operates eight vocational training schools for persons with physical and mental disabilities and sponsors a program of job training and placement for graduates. The Government also provides some financial support to NGO's that assist persons with disabilities; subsidizes prosthetic devices and other medical aids for persons with disabilities; makes some purchases from suppliers with disabilities; and has registered 74 schools and training institutions for persons with disabilities run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. In spite of these efforts, persons with disabilities still face difficulties because of negative attitudes and societal discrimination. In 1996 Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

#### Indigenous People

The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vemma demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. Some Veddas still complain that they are being pushed off of their land. Although many Veddas continue to pursue a traditional way of life, visits by tourists have become an important source of income for the community.

#### Religious Minorities

Discrimination based on religious differences seems much less common than discrimination based on ethnicity or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion, Christians have been harassed by Buddhist monks for their alleged attempts to convert Buddhists to Christianity. Catholic clergy, for example, have reported non-violent incidents of this sort in the south during the year. In the past, evangelical Christians have reported similar incidents (see Section 2.c.).

There are reports that members of various religious groups give preference in hiring in the private sector to members of their own group or denomination. This practice likely is linked to the country's ongoing ethnic problems and does not appear to be based principally on religion. There is no indication of preference in employment in the public sector on the basis of religion.

In April three Sinhalese men attacked a Muslim cashier. The Muslim community in Mawanela protested police inaction regarding the attack. In response approximately 2,000 Sinhalese, including Buddhist monks, rioted in the Muslim section of town and confronted the Muslim protesters. Two Muslims were killed, and a number of buildings and vehicles were destroyed. The Muslim community throughout the western portion of the country staged a number of protests claiming the police did nothing to prevent the riot. Some of the protests resulted in clashes between the Muslim and Sinhalese communities.

The LTTE has attacked notable Buddhist sites. In May 2000, 23 persons were killed and dozens injured when an LTTE bomb exploded near a temple at the Buddhist Vesak festival.

The LTTE allowed Roman Catholics access to a shrine at Madha in the north this year. Thousands of Catholics took the opportunity to visit the shrine.

#### National/Racial/Ethnic Minorities

There are approximately one million Tamils of comparatively recent Indian origin, the so-called "Hill" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also are vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999, the Government introduced a program to begin registering these individuals; 15,300 Hill Tamils received identity cards between January and September 30. Some critics charged that the program did not progress fast enough.

Both Sri Lankan and Hill Tamils maintain that they have long suffered systematic discrimination in university

education, government employment, and in other matters controlled by the Government. In 1996 the Government established a parliamentary select committee to consider a package of constitutional reforms designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. While the two main political groupings, the PA and UNP, reached consensus on many aspects of the devolution proposals, when the Government introduced the draft Constitution to Parliament in August 2000 in hopes of passing the measures, it had to suspend debate on the new Constitution due to political opposition. The agreement under which the existing ruling coalition was formed prevented any further attempts at devolution. The LTTE rejected the devolution proposals.

## Section 6 Worker Rights

### a. The Right of Association

The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice, such rights can be subject to administrative delays, and are unofficially discouraged. Nonetheless, approximately 25 percent of the 6.7 million person work force nationwide and more than 70 percent of the plantation work force, which is overwhelmingly Hill Tamil, is unionized. In total there are more than 1,000,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector is unionized. Unions represent most workers in large private firms, but those in small-scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates and are highly politicized.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 2000 the most recent year for which data is available, the Department of Labor registered 183 new unions and canceled the registration of 132 others, bringing the total number of functioning unions to 1,583. More recent International Labor Organization (ILO) figures have not yet been published. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. These mechanisms are effective; however, there can be lengthy delays in the resolution of cases. The Government periodically has controlled strikes by declaring some industries essential under the ER (which lapsed in July). The President retains the power to designate any industry as an essential service. The ILO has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission, but they have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in the past few years. There were more than 100 public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Hill Tamil plantation workers, is the only trade union organization affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone (EPZ) is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

### b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining, and it is practiced widely. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the EPZ's, worker councils--composed of employees, employers and often a public sector representative--generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and labor advocates have criticized them as ineffective.

In December 1999, Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. This law is being implemented. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

There are approximately 110,000 workers employed in three EPZ's, a large percentage of them women. Under the law, workers in the EPZ's have the same rights to join unions as other workers. Few unions have formed in the EPZ's, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ's is only 10 percent. Labor representatives allege that the Government's Board of Investment, which manages the EPZ's, including setting wages and working conditions in the EPZ's, has discouraged union activity. Work councils in the EPZ's are chaired by the Government's Board of Investment (BOI) and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZ's offer generally higher wages and better working conditions than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ's, where wages and work conditions are set by the BOI.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited under the law; however, there were reports of the use of forced or compulsory labor. There are reports of women being trafficked to the country for the purpose of prostitution (see Section 6.f.). Some children reportedly were trafficked and forced into prostitution (see Sections 5 and 6.f.). The law does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. In the past there were credible reports that some rural children were employed in debt bondage as domestic servants in urban households; some of these children reportedly had been abused; however, no cases were reported during the year.

There are credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during 2000, and that they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when the abuse was publicized.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits labor by children under 14 years of age, but child labor is a problem and still exists in the informal sectors. The National Child Protection Authority Act (NCPA) combats the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited agricultural work. In January 2000, Parliament repealed a regulation that permitted domestic employment for children as young as age 12. The law permits the employment of persons under the age of 16 for not more than one hour on any day before school. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this act may have on the child labor problem remains unclear. Despite legislation, child labor still exists. A child activity survey carried out in 1998 and 1999 by the Department of Census and Statistics found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in nonplantation agriculture. A 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Many thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. A 1997 study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often are deprived of an education. Many child domestics are reportedly subjected to physical, sexual, and emotional abuse.

Regular employment of children also occurs in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions regarding child labor violations by the Labor Department. The Labor Department reported 194 complaints regarding child labor in 2000, with 79 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 7 cases in 2000. In the first eight months of the year, the Labor Department reported 199 complaints, with 48 cases withdrawn and 40 prosecuted. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during 2000. Under legislation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Internal trafficking in male children for the purpose of prostitution is a problem (see Sections 5 and 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics. Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage, although there were no reports of this during the year (see Sections 5 and 6.c.). The Government ratified ILO Convention 182 on the Worst Forms of Child Labor on March 1.

The LTTE continued to use high school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (see Section 5). In May 1999, the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including for schoolchildren and the aged. This LTTE program still functions. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established in order to gain tighter control over the population and to provide a base for recruiting fighters.

#### e. Acceptable Conditions of Work

The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics division of the Department of Labor, the Government in September 2000 mandated a \$5.00 (400 rupees) increase in the minimum wage for private sector workers, and government workers received an increase equal to 10 percent of their salary, with a minimum raise of \$12.50 (1,000 rupees) per month. In October government employees received another wage increase of \$13 (1,200 rupees) per month. Minimum wage rates average approximately \$33.52 (2,682 rupees) per month in industry, commerce, and the service sector. The rate is approximately \$1.42 (114 rupees) per day in agriculture. The minimum wage in the garment industry is \$31.00 (1,200 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner.

Most permanent full-time workers are covered by laws that prohibit them from regularly working more than 45 hours per week (a 5 1/2-day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent and seasonal or part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. Health and safety regulations do not meet international standards.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, Sri Lanka is a country of origin and destination for trafficked persons, primarily women and children for the purposes of forced labor, and for sexual exploitation. Sri Lankan women travel to Middle Eastern countries to work as domestics and some have reported being forced into domestic servitude and sexual exploitation. Sri Lankan women are trafficked to Singapore for purposes of sexual exploitation. Some Sri Lankan children are trafficked internally both for sexual exploitation and as domestics. Citizens are trafficked to the United Kingdom for labor exploitation. Boys are trafficked to the Middle East (primarily Qatar and the United Arab Emirates) as camel jockeys. According to police reports, there is a floating pool of approximately 200 foreign female sex workers in the country who may have been trafficked from the former Soviet Union, Thailand, and China.

Internal trafficking in male children is also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimates that there are at least 5,000 male children between the ages of 8 and 15 years who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or by organized crime (see Section 5). PEACE also reports that an additional 7,000 young men aged 15 to 18 years are self-employed prostitutes.

There is evidence of continuing international interest in Sri Lankan children for the sex trade as evidenced in tourism by foreign pedophiles, and an increase in Internet sites featuring child pornography involving the country's children.

Penal Code amendments enacted in 1995 provide for penalties for trafficking in women including imprisonment for 2 to 20 years, and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years, and a fine.

The Government took action during the year to prepare a national plan to combat the trafficking of children. This project is part of a regional project funded by the ILO.

The country has a reputation as a destination for foreign pedophiles. Officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles, and there have been some convictions; however there were no such convictions during the year. Many NGO's attribute the problem of child exploitation to a lack of law enforcement.